Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

use of prayer. The court was of the opinion that the petitioner himself admitted that his science was one in which skill is to be exercised, and the skill with which he might pursue his calling would be enhanced by practice, therefore it was reasonable that he be required to complete a professional course before being allowed to practice, while, the cure of disease by prayer being entirely a religious practice, it is not to be presumed that the efficacy of the practitioner's methods are benefited by any preparatory course. It must also be considered that one who assails a classification as a violation of the equal-protection clause of the constitution must carry the burden of showing that it does not rest upon any reasonable basis, but is essentially arbitrary. *Lindsley* v. *Natural Carbonic Gas Co.*, 220 U. S. 61, 31 Sup. Ct. 337, 55 L. Ed. 369. See also comment on *Fealey* v. *Birmingham* (Ala. 1916), 73 So. 296, in 15 MICH. L. REV. 440.

CORPORATIONS—LIABILITY FOR ASSAULT BY SERVANT.—Defendant's agent, who was what is known as "cut-off man," had been expressly instructed not to enter a house in case entry was objected to; he forced an entry into plaintiff's apartment, on failure of plaintiff to pay arrears for lighting service, and personally assaulted the plaintiff. Below, the defendant's demurrer was sustained, apparently on the ground that since the acts complained of were contrary to express instructions, the assault, if any, was committed while the agent was acting beyond the scope of his employment. *Held,* such instructions would not necessarily relieve the defendant of liability for the assault, if in fact the agent committed the assault in the course of the prosecution of the business intrusted to him by the defendant. *Herrman* v. *New York Edison Co.*, 162 N. Y. Supp. 145.

It was maintained in a few early cases that since a corporation can do only the lawful things contemplated by the state in the bestowal of its charter, any wrongful act of an officer or agent is necessarily outside the field of its legal power. *Ill. Cent. R. Co.* v. *Read*, 37 Ill. 484, 87 Am. Dec. 260. It is well settled now, however, that a corporation is liable for the wrongful acts or omissions of its officers or agents acting within the scope of their authority, although in doing the act, the agent may have disobeyed instructions. *Pittsburgh & R. Co.* v. *Sullivan,* 141 Ind. 83, 40 N. E. 138. And this, even though the act be done wantonly and recklessly. *Moore* v. *Ry.*, 26 Okl. 682, 110 Pac. 1059. It is interesting to note that several states refuse to accept this principle as applied to the agent's false or slanderous statements, holding that even where the words are spoken in the course of the employment, and for the benefit of the corporation, the latter is not liable unless it had expressly authorized the agent to speak the words in question, or had subsequently ratified them. *Behre* v. *National Cash Register Co.*, 100 Ga. 213, 27 S. E. 986. In *Lindsey* v. *St. Louis etc. R. Co.*, 95 Ark. 534, 129 S. W. 807, the court offers a reason for this distinction, saying that slander is the individual act of him who utters it, and the utterance of a slander by an agent of a corporation must be ascribed to the personal malice of the agent. But why this distinction between a slander and an assault made contrary to express instructions? It would seem that the better view

is that of *Rivers* v. *Yazoo etc R. Co.*, 90 Miss. 196, 43 So. 471, that the corporation is liable for the agent's slander spoken while acting within the scope of his employment, and in the actual performance of the duties of the corporation touching the matter in question. Or as the Montana court holds, in *Grorud* v. *Lossl*, 48 Mont. 274, 136 Pac. 1069, in speaking of an act by the agent within the apparent scope of his authority: "and if the act is prompted by fraudulent or malicious motives, the agent's fraud or malice is imputable to the corporation."

CRIMINAL LAW—INFORMATION CHARGING STATUTORY OFFENSE IN TERMS OF STATUTE.—An information charged the accused with committing "the acts technically known as fellatio" made a felony by the California Penal Code of 1915. The defendant was convicted and sentenced to imprisonment. *Held*, that the judgment should be reversed on the ground that "'the acts constituting the offense' were not charged in such a manner as to enable 'a person of common understanding to know what is intended.'" *People* v. *Carrell* (Cal. 1917), 161 Pac. 995.

As a general rule, offenses proscribed and defined by a statute must be charged in the language of the statute, or in language equivalent thereto. *Jackson* v. *State*, 26 Fla. 510, 7 So. 862; *State* v. *Stubbs*, 108 N. C. 774, 13 S. E. 90; *Franklin* v. *State*, 108 Ind. 47; 22 CYC. 336; 11 L. R. A. 530 note. If the statute itself enumerates every ingredient of the offense, then an indictment describing a statutory offense in the very words of the statute is ordinarily sufficient. BEALE, CRIMINAL PLEADING AND PRACTICE, §197; *Pounds* v. *United States*, 171 U. S. 35; *People* v. *Paquin*, 74 Mich. 34, 41 N. W. 852; *State v. Whalen*, 98 Iowa 662, 68 N. W. 554; *State* v. *Bierce*, 27 Conn. 318. In *State* v. *Whalen*, supra, the court sustained a conviction under an indictment, which, following the wording of the statute, charged the accused with "seducing" a certain female. Neither the statute nor the information defined the word "seduce." The conclusion was put upon the ground that "seducing" included all the elements of the offense meant to be charged, and sufficiently informed the accused of the crime alleged. The decision in *State* v. *Bierce* announced the same rule for a similar state of facts. The exceptions to the rule as set forth above are, for the most part, cases in which the words of the statute have a technical legal meaning different from their common meaning. The oddity of the principal case lies in the fact that the Victorian modesty of the legislature has led them to define the crime by a term which has no common meaning, which is not found in any English dictionary, law or lay, and which remains somewhat ambiguous even after reference to the Latin authorities.

EQUITY—CLEAN HANDS.—In order to defeat a judgment in an anticipated suit for divorce and alimony, plaintiff, without consideration, deeded a parcel of land to his mother. He thereafter regained possession of the land and sued her to quiet title. *Held*, plaintiff did not come into court with clean hands, and relief should be denied. *Palmer* v. *Palmer* (Neb. 1917), 161 N. W. 277.